

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

LOWE'S COMPANIES, INC.,

Plaintiff,

v.

U.S. ETHERNET INNOVATIONS, LLC,

Defendant.

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Case No. 5:10-CV-00012

NOTICE OF DISMISSAL WITHOUT PREJUDICE

Plaintiff Lowe's Companies, Inc., by and through counsel and pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, hereby dismisses this action against Defendant U.S. Ethernet Innovations, LLC, without prejudice.

This 1st day of June, 2010.

s/ Scott M. Tyler

Scott M. Tyler, N.C. State Bar No. 23300

Anup M. Shah, N.C. State Bar No. 37042

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CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2010, I caused the foregoing **NOTICE OF DISMISSAL WITHOUT PREJUDICE** to be filed electronically with the Clerk of Court through ECF and served on all parties through ECF, and by first class mail, postage prepaid, as follows:

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/s/ Scott M. Tyler